

**DURHAM, NORTH CAROLINA  
MONDAY, OCTOBER 1, 2001  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, Stith, McKissick and Wagstaff. Absent: Council Member Blyth.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda E. Bratcher.

Mayor Tennyson called the meeting to order and at that time, Council Member Langley congratulated Phillip Freelon and The Freelon Group for being the 2001 recipient of the North Carolina Chapter of the American Institute of Architects Firm Award and their work on the Hayti Heritage Center.

Also, she commented on her attendance at a breast cancer event held September 20 at the Carolina Theatre, recognized October as Disability Month and invited her colleagues to attend the Mayor's Committee for Persons W/Disabilities Banquet on October 24.

Mayor Tennyson noted that there is a house in the Parade of Homes which was recognized as a universal design house built for persons with disabilities.

Council Member McKissick acknowledged that TJCOG received 1,200 hardwood trees and is accepting applications from various groups to receive them and reminded everyone that October 9, 2001 is the primary election.

Council Member Stith congratulated individuals involved in the grand opening of the St. Joseph Performance Center and the Phoenix Crossing Shopping Center.

Council Member Larson informed his colleagues that he will not be attending the upcoming Finance Committee Meeting because he will be attending the NLC'S TIS Fall Steering Committee Meeting, October 4-6, 2001, in Scottsdale, Arizona.

City Manager Conner updated Council on the City's preparedness and response efforts as it relates to terrorist attacks. The Manager noted that the City has not received any threats and commented on what is being done relative to the City's water supply.

City Clerk D. Ann Gray swore in Keith McLamb as a member of the Recreation Advisory Committee.

Mayor Tennyson read a proclamation declaring October 7-13, 2001 as "Fire Prevention Week."

**October 1, 2001**

Mayor Pro Tempore Clement thanked the Durham Fire Department for their participation in the relief effort in connection with the September 11 attack on America.

Council Member Jacobs read a "Resolution Memorializing John Percy "Jack" Bond, III."

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk.

Relative to GBA Item #5 [Zoning Ordinance Text Amendment Regarding High Density Residential Development In Compact Neighborhoods (TC 121-01)], City Manager Conner noted there is a summary update dated October 1 from the City/County Planning Department on the proposed high density zoning districts and open space. Also, she commented on Supplemental Item #1 [Downtown Redevelopment Technical Assistance]. Relative to Brown's Painting Company, the manager made comments about a memo from EO/EA dated October 1 updating Council on where the administration is to-date in getting this matter resolved relative to Resolute Building Company and the sub-contractor-Brown's Painting Company.

There were no priority items from the City Attorney or City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

The Mayor noted that Vincent Brown pulled Consent Agenda Item #14 [Amendment To Architect's Contract For The Property And Facilities Management Center And Increase To The Project Contingency].

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**[CONSENT AGENDA]**

**SUBJECT: DURHAM CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS - MAYOR'S NOMINEE FOR RE-APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's nomination of John W. Mallard, Jr. for re-appointment to the Durham Convention & Visitors Bureau Board of Directors for a term to expire October 31, 2003 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff.

October 1, 2001

Noes: None. Absent: Council Member Blyth.

**SUBJECT: HUMAN RELATIONS COMMISSION - MAYOR'S NOMINEE FOR RE-APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's nomination of Francina Lewis Muse for re-appointment to the Human Relations Commission for a term to expire June 30, 2004 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS - POLICE HEADQUARTERS AND SUBSTATIONS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the use of Federal Asset Forfeiture Funds in an amount not to exceed \$58,000 for the purchase of equipment and upgrades to existing systems vital to enhance the security at Police Headquarters and Substations was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: EXCHANGE OF SAFES - CITY OF DURHAM - TOOL TIME ELECTRIC COMPANY, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into an Agreement between the City of Durham and Tool Time Electric Company, Incorporated providing for the exchange of three used safes for a new postal drop safe was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: AGREEMENTS BETWEEN THE CITY OF DURHAM AND THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE SPONSORED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE DRUG ENFORCEMENT ADMINISTRATION (DEA)**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute agreements with the Organized Crime Drug Enforcement Task Force for the investigation and prosecution of drug crimes; and

**October 1, 2001**

To adopt the "City of Durham Grant Project Ordinance/ Organized Crime Drug Enforcement Task Force/Federal Bureau of Investigation Agreement"; and

To adopt the "City of Durham Grant Project Ordinance/ Organized Crime Drug Enforcement Task Force/Drug Enforcement Administration Agreement" was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12400 - 12401**

**SUBJECT: FISCAL YEAR 2001-02 BUDGET ORDINANCE AMENDMENT #5 -  
COMPUTER EQUIPMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an "Ordinance Amending the Fiscal Year 2001-2002 City of Durham Budget Ordinance, the Same Being Ordinance 12336" concerning increases in appropriations and revenues in the General Fund was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12402**

**SUBJECT: MEDICAL AND PHARMACEUTICAL BILL REVIEW SERVICES FOR  
WORKERS COMPENSATION CLAIMS - CORVEL CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with CorVel Corporation for medical and pharmaceutical bill review services for workers' compensation claims at a fee of 38% of the savings they generate was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: CHANGES TO INDEPENDENT WORKERS COMPENSATION ADJUSTER  
CONTRACT - CORPORATE CLAIMS AND ADJUSTING, LTD. (CCA)**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into an amended contract with Corporate Claims and Adjusting, Ltd. (CCA) for claims services for a period of one year, with two one-year renewals at the City's option, at an annual cost not to exceed \$218,000 for the first year, \$230,000 for the second year and \$246,000 for the third year; and

**October 1, 2001**

To adopt an amended "Resolution Providing for the Disposition of Claims and Authorizing the City Manager to Deny, Compromise, or Pay Workers' Compensation Claims Against the City, in Accordance with North Carolina Law" was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8809**

**SUBJECT: INDEPENDENT LIABILITY ADJUSTER - GAB ROBINS NORTH AMERICA, INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with GAB Robins North America, Inc. for claims services for a period of one year, with two one-year renewals at the City's option, at an annual cost not to exceed \$159,000; and

To adopt an amended "Resolution Providing for the Disposition of Claims and Authorizing the City Manager to Deny, Compromise, or Settle Claims Against the City, Its Officers, and Employees, Within Certain Specified Limits" was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8810**

**SUBJECT: REPORT FROM COUNCIL PROCEDURES SUBCOMMITTEE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from the Council Procedures Subcommittee was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to appoint Shawn A. Lloyd, City-Wide Member, to the Citizens Advisory Committee--term will expire June 30, 2002 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**October 1, 2001**

**SUBJECT: HOUSING APPEALS BOARD - APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to appoint Torrance T. McFadden, Alternate Member, to the Housing Appeals Board--term will expire June 30, 2003 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: STREET CLOSING - VERNA PLACE (SC01-02)**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution declaring the intent of the City Council to consider permanently closing 480± linear (31,100 ± square feet) of Verna Place and setting a public hearing on Monday, October 15, 2001 to consider permanently closing 480± linear (31,100± square feet) of Verna Place was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8811**

**SUBJECT: CONTRACT ST-213 - SHOCOREE BRIDGE REPAIR - MCQUEEN CONSTRUCTION, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with McQueen Construction, Incorporated in the amount of \$72,249.21, plus a contingency in the amount of \$17,000 for a total cost of \$89,249.21, for Contract ST-213 Shoccoree Bridge Repair; and

To authorize the City Manager to negotiate change orders for Contract ST-213 Shoccoree Bridge Repair provided that the cost of all change orders does not exceed \$17,000 and the total project cost does not exceed \$89,249.21 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: RESOLUTION HONORING SIDNEY ARTHUR BRODIE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Honoring Sidney Arthur Brodie" was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith

**October 1, 2001**

and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8812**

**SUBJECT: RESOLUTION HONORING WAYNE CASH**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Honoring Wayne Cash" was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8813**

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council Meetings was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

June 18, 2001 - Regular Meeting  
June 28, 2001 - Special Meeting  
August 6, 2001 - Regular Meeting  
August 20, 2001 - Regular Meeting  
September 4, 2001 - Regular Meeting  
September 10, 2001 - Joint City Council, County Commissioners and Durham Legislative Delegation Meeting

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept a Certificate of Sufficiency from the Manager of Engineering for the following petitions, and

To adopt resolutions setting public hearings on Monday October 15, 2001 to consider ordering the following improvements was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- a. **Curb, Gutter and Paving, Sewer Main and Water and Sewer Laterals on Catalpa Street** - from Cheek Road to Ellington Street, and

October 1, 2001

- b. **Water Main on Marywood Drive** - from the east property line of Tax Map 773-3-3 to the north property line of Tax Map 773-5-10 and **Kara Place** from Marywood Drive to the end of the cul-de-sac.

**SUBJECT: STREET ACCEPTANCE - GROVE PARK, ESTATES AT MERIDIAN, AND AUDUBON PARK - PHASE II**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept certain streets in Grove Park, Estates at Meridian, and Audubon Park - Phase II, as listed, for maintenance by the City of Durham was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Grove Park - Southshore**

- 1) Lakeridge Cove - from the centerline of Southshore Parkway south thru the cul-de-sac (105'.)

**Estates at Meridian**

- 1) Exchange Place - from the centerline of Meridian Parkway westward to STA 10+00 (3,290'.)

**Audubon Park - Phase II**

- 1) Solitude Way - from the end of PH I (STA 24+85) south then west to the centerline of Piperwood Court (985') and,
- 2) Rustic Wood Lane - from the end of PH I (STA 77+80) south past Haventree Road thru the cul-de-sac (1,192') and,
- 3) Whisperwood Drive - from the end of PH I (STA 57+50) south past Haventree Road thru the cul-de-sac (1,069') and,
- 4) Piperwood Court - from STA 163+70 south past Haventree Road thru the cul-de-sac (1,188') and,
- 5) Haventree Road - from the centerline of Piperwood Court east past Whisperwood thru the cul-de-sac (2,038') and,
- 6) Beech Slope Way - from the centerline of Whisperwood Drive west thru the cul-de-sac (442') and,
- 7) Gingerwood Lane - from the centerline of Whisperwood Drive west thru the cul-de sac (484') and,
- 8) Woodsage Lane - from the centerline of Haventree Road north thru the cul-de-sac (268') and,



**October 1, 2001**

- 9) Silverwood Court - from the centerline of Haventree Road north thru the cul-de-sac (353') and,
- 10) Wood Lily Court - from the centerline of Haventree Road south thru the cul-de-sac (220') and,
- 11) Monarch Way - from the centerline of Solitude Way east thru the cul-de-sac (184.)

**SUBJECT: STOP SIGNS - LATTA WOODS SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

- 1) Phillips Point Drive at McKittrick Lane, northwest corner; and
- 2) Murray Hill Drive at McKittrick Lane, southwest corner.

**Ordinance #12403**

**SUBJECT: STOP SIGNS - STONE HILL SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs on Obsidian Way at Thornwood Drive, southeast and northwest corners was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12404**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: WATER MAIN - U.S. 501 FROM TOM WILKINSON ROAD (FORMERLY MASSEY ROAD) TO SMITH DRIVE - CONFIRMATION OF ASSESSMENT ROLL**

To adopt a resolution confirming the assessment roll for water main on U.S. 501 from Tom Wilkinson Road (formerly Massey Road) to Smith Drive.

**October 1, 2001**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to continue the public hearing without further advertising until the November 5, 2001 City Council Meeting [to be placed on the October 29, 2001 Public Works Committee Agenda] was approved at 7:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: SEWER MAIN - RIVERMONT ROAD FROM NORTHEAST PROPERTY LINE OF TAX MAP #767-4-17 TO NORTHEAST PROPERTY LINE OF TAX MAP #770-2-1 - ORDERING IMPROVEMENT (ENABLING ACT AUTHORITY)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on Rivermont Road from northeast property line of Tax Map #767-4-17 to northeast property line of Tax Map #770-2-1 under the Enabling Act Authority was approved at 7:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: SIDEWALK - WATTS STREET (EAST SIDE) FROM SOUTH PROPERTY LINE OF TAX MAP #16-8-2 TO NORTH PROPERTY LINE OF TAX MAP #17-1-9 - ORDERING IMPROVEMENT**

To adopt a resolution ordering sidewalk on Watts Street (east side) from south property line of Tax Map #16-8-2 to north property line of Tax Map #17-1-9.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to refer this item back to the administration was approved at 7:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2001 AND FIRE SERVICE CONTRACTS**

City Manager Conner announced that Ruffin Hall, of the Budget

**October 1, 2001**

Office, will be leaving the City to accept a job as the Assistant Budget Director for Charlotte, North Carolina and congratulated him for doing an outstanding job in working on annexations.

**a. Village Creek Commons/Triad Area B - 2001-17**

**1) Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning the annexation of 46.44 acres, located on the northeast side of US 70, several hundred feet southeast of the intersection of US 70 and Mineral Springs Road, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Village Creek Commons/Triad Area B)" was approved at 7:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12405**

**2) Fire Service - Bethesda Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 7:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**b. Fountains Office Park - 2002-01**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of 42.15 acres, located on the east side of Leigh Farm Road, approximately 800 feet north of the intersection with N.C. 54, contiguous to the

**October 1, 2001**

City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Fountains Office Park was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12406**

**c. PSNC Energy - North Durham - 2002-02**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of 6.46 acres, located on the west side of Old Oxford Road just north of the intersection with Hamlin Road, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (PSNC Energy - North Durham)" was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12407**

**d. Treyburn Limited Liability Company - 2002-03**

**1) Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of 50.59 acres, located in Northern Durham County adjacent to the Treyburn development, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of

**October 1, 2001**

NCGS 160A-58 Et. Seq. (Treyburn Limited Liability Company)" was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12408**

**2) Fire Service - Lebanon Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to modify the existing half-base contract with Lebanon Volunteer Fire Department to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**e. Immanuel Free Will Baptist Church - 2002-04**

**1) Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of 3.35 acres, located on Ellis Road just west of the intersection of N.C. Highway 147 and Ellis Road, contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Immanuel Free Will Baptist Church was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12409**

**2) Fire Service - Bethesda Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 7:33

**October 1, 2001**

p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT REGARDING HIGH DENSITY RESIDENTIAL DEVELOPMENT IN COMPACT NEIGHBORHOODS (TC 121-01)**

Dick Hails, Acting City/County Planning Director, summarized the revised text amendments outlined in the October 1 memo relative to the proposed high density zoning districts and open space.

Mayor Tennyson noted the public hearing was continued from the September 17, 2001 City Council Meeting.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tom Miller, of 1110 Virginia Avenue, stated the Watts Hospital-Hillandale Neighborhood Association supports the zoning text amendment.

John Schelp, representing Old West Durham Neighborhood Association, spoke in support of this zoning and urged Council to approve this item.

Mayor Tennyson declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments regarding the proposed amendment; and

To adopt "An Ordinance Amending Section 4 General Districts of the Durham Zoning Ordinance to Establish New High Density Residential Districts" was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

Zoning Committee's Recommendation: (See details in memorandum dated August 15, 2001)

**Ordinance #12411**

**[OTHER MATTERS]**

**SUBJECT: APEX STREET BRIDGE**

To approve staff's recommendation to request funding in an amount of up to \$600,000 from North Carolina Department of Transportation

**October 1, 2001**

to replace the Apex Street bridge under the NCDOT's Municipal Bridge Program (The City's share would be 20% of the total cost of the bridge replacement); and

To approve staff's recommendation that until such time as the bridge is replaced, that the bridge remain open for pedestrian traffic only, with the City performing minor patching and repair along with aesthetic improvements at a cost less than \$10,000.

The following citizens listed below spoke in support of staff's recommendation to replace the Apex Street Bridge noting that it would benefit the total community and that this is a public street that would provide connectivity: Beart Truitt-Braswell, Gertie Tatum, Reci Robinson, George McFadden, Virginia Byrd, Herbert Tatum, Larry Smith and Wanda Taylor.

The following citizens listed below spoke in opposition to staff's recommendation to replace the Apex Street Bridge. They noted the bridge should remain closed permanently to vehicular traffic because of public safety concerns throughout the Forest Hills Neighborhood and Park, it would preserve the neighborhood and would save the taxpayers money due to the cost of replacing the bridge: Jason Balius, Beverly Womack, Paul Savery, Siouy Watson, Nancy Henley, William Price, Stewart Fisher, Melinda Ruley, Mardy Fisher, Lucy Pless, Jon Field, Grace Nordhoff, Christopher Ivy, Joseph Chambliss and Holly Rogers.

Council Member Wagstaff made comments about the Apex Street Bridge highlighting the history of the bridge, spoke in support of preserving it, noted traffic calming measures need to be put in place relative to safety issues raised and commented on the City's trails not being safe.

Mayor Tennyson requested the administration to provide crime data on the City's trails.

Council Member Hill expressed concern about the replacement cost for the bridge.

A motion was made by Council Member Hill to direct the administration to close the Apex Street Bridge permanently to vehicular traffic and keep it open for pedestrian traffic. The motion dies for a lack of a second.

A motion was made by Council Member Jacobs seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda.

Council Member Stith asked staff when could the City expect the funding from the State.

Katie Kalb, Public Works Director, replied up to five years.

Council Member Stith urged the staff to explore opportunities for safety/traffic calming measures.

**October 1, 2001**

Council Member McKissick requested the administration to provide information on sidewalks in the area at a Public Works Committee Meeting.

Council Member Cheek asked staff if there are plans to put sidewalks on Compton Place and Carolina Circle.

Katie Kalb, Public Works Director, replied no petitions have been received from the neighborhood. Also, she noted that she would provide information on the process for sidewalks, safety and traffic calming measures to the citizens on both sides of the bridge.

Several Council Members spoke in support of replacing the bridge.

Mayor Tennyson spoke in opposition to staff's recommendation expressing concerns relative to the cost of replacing the bridge.

**MOTION** by Council Member Jacobs seconded by Mayor Pro Tempore Clement to approve staff's recommendation to request funding in an amount of up to \$600,000 from North Carolina Department of Transportation to replace the Apex Street bridge under the NCDOT's Municipal Bridge Program (The City's share would be 20% of the total cost of the bridge replacement); and

To approve staff's recommendation that until such time as the bridge is replaced, that the bridge remain open for pedestrian traffic only, with the City performing minor patching and repair along with aesthetic improvements at a cost less than \$10,000 was approved at 9:06 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Member Hill. Absent: Council Member Blyth.

**\*Relative to GBA Item #4 [Voluntary Annexation Petitions Submitted Prior to July 1, 2001 and Fire Service Contracts], Mayor Tennyson noted the following annexation item was inadvertently omitted from the agenda--however, the supporting documentation was included and the matter was properly advertised. The appropriate motions were added at the City Council Meeting on the evening of October 1, 2001.**

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2001 AND FIRE SERVICE CONTRACTS**

**\*f. I-Loft RTP - 2002-05**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.



**October 1, 2001**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of 9.45 acres, located on the eastern side of Alston Avenue, just north of Southern Parkway, contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (I-Loft RTP) was approved at 9:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12410**

**[SUPPLEMENTAL ITEM]**

**SUBJECT: DOWNTOWN REDEVELOPMENT TECHNICAL ASSISTANCE - MASTER PLAN ADVISORS - NATIONAL DEVELOPMENT COUNCIL**

Council Member McKissick asked the City Manager the reason for using outside firms, their experience and fee schedule. Also, he made comments about having a detailed scope of services in the contract.

City Manager Conner replied that she does not have the appropriate economic development staff and needed additional advise on the public/private investment and development agreement. Also, she noted at a later date she will give a presentation on the agreements when they are ready and come back with a cost analysis. Further, the Manager gave an overview of the experience for each firm highlighting their case history and noted the firms will give a presentation at the next Committee-of-the-Whole Meeting concerning their expertise.

Council Member Burnette asked the City Manager if the Multi-Modal Station would be a part of this discussion.

City Manager Conner replied yes. It will be a part of the Liggett redevelopment projects.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into negotiations with 1) Master Plan Advisors to provide technical assistance with American Tobacco and Liggett redevelopment projects and the Performing Arts Theater, and 2) National Development Council to provide technical assistance with the Parrish Street redevelopment project was approved at 9:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent:

October 1, 2001

Council Member Blyth.

At this time during the meeting, Mayor Tennyson congratulated Andy Curliss, of The News & Observer, on his impending marriage this weekend.

**[ITEM PULLED FROM THE AGENDA]**

**SUBJECT: AMENDMENT TO ARCHITECT'S CONTRACT FOR THE PROPERTY AND FACILITIES MANAGEMENT CENTER AND INCREASE TO THE PROJECT CONTINGENCY - DTW ARCHITECTS & PLANNERS**

Vincent Brown, of Brown's Painting Company, noted problems experienced with Resolute Building citing payment disputes, drawings and change order concerns. Also, he requested relief from Council since he is due about \$118,000 on this project with the City and made allegations of improper business practices by Resolute.

City Manager Conner made comments about the City's role and recommended that the City bring in a project manager to review scope of concerns raised by Mr. Brown [sub-contractor] concerning Resolute [contractor].

City Attorney Blinder briefed Council making comments relative to what would and would not be an issue of the City relative to the contractor and sub-contractor.

City Manager Conner noted the issue of City staff wanting an item for one price and wanting a different quality and the change orders could be reviewed by the administration.

Council Member Cheek expressed concern about the City getting involved in disputes between the contractor and sub-contractor.

Council Member Stith spoke in support of the City Manager's recommendation.

Mayor Pro Tempore Clement requested an update on this item from the administration at the October 8, 2001 Public Works Committee Meeting.

**MOTION** by Council Member Larson seconded by Council Member Stith to authorize the City Manager to execute a contract amendment increasing the amount of the DTW Architects & Planners by \$82,044 from \$411,000 to \$493,044; and

To increase the contingency for the Property & Facilities Management Center project by \$200,000 from \$250,000 to \$450,000 from funds available in the project's account; and

To authorize the City Manager to negotiate and execute change

**October 1, 2001**

orders for the Property and Facilities Management Center project provided the cost of all change orders does not exceed \$450,000 and the total project cost does not exceed the Capital Project Ordinance in the amount of \$7,100,000 was approved at 9:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

There being no further business to come before the City Council, the meeting was adjourned at 9:36 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk